

REMARKS
35 U.S.C. §102(b) Rejections

Claims 16-19, 21-25 and 32-34 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,961,963 to Rosie (hereinafter Rosie). Rosie discloses a modular helmet 10 with a base helmet 120, a C-shaped extension 140 and a crown comb 160. The base helmet 120 has a domed shell 14 with a central trench 18 over the top of the shell 14, and the shell has a ventilation window 16a facing the front, and four rearwardly facing ventilation windows 16b. The ventilation windows 16a, 16b, are positioned in the crown of the helmet 10 (Fig. 2a and 2d) and allow for cooling airflow over the head of the wearer. A crown comb 160 may be attached to the base helmet 120 and pivoted over the top of the base helmet 120, such that the comb 160 abuts against the sides 19 of the trench 18 thereby sealing the ventilation windows 16.

Currently amended independent claim 16 recites, in part, the following:

“the outer protective shell configured to be fitted over substantially the whole inner protective shell and releasably retained thereon . . .”

Currently amended independent claim 17 recites, in part, the following:

“an outer protective shell configured to be fitted over substantially the whole inner protective shell and releasably retained thereon . . .”

Currently amended independent claim 33 recites, in part, the following:

“an outer protective shell adapted to fit over substantially the whole inner protective shell. . .”

Rosie only discloses a crown comb that may be attached to the base helmet, but the crown comb does not cover substantially the whole base helmet. Rather, the crown comb provides a very narrow band of coverage with respect to the exposed exterior surface of the base helmet and clearly does not cover substantially the whole inner shell as claimed. In addition, when the crown comb is not attached to the base helmet, the base helmet has a plurality of large vent openings, such that the Rosie base helmet is actually a perforated base helmet. This is clearly different than the claimed invention.

Thus, what is claimed in currently amended independent claims 16, 17 and 33 is structurally very different than what is disclosed in Rosie. Hence, Rosie does not anticipate currently amended independent claims 16, 17 and 33. Accordingly, Applicants respectfully request that the rejection of claims 16-19, 21-25 and 32-34 be withdrawn, and that currently amended independent claims 16, 17 and 33 and dependent claims 18-19, 21-25, 32 and 34 be allowed.

Claim Objections

Claims 20 and 25-31 were objected to as being dependent on a rejected base claim. These claims now dependent from either currently amended independent claim 16 or 17, which as outlined above are believed to be allowable. Accordingly, Applicants respectfully request that the objection to claims 20 and 25-31 be withdrawn and that these claims be allowed.

New Claims

New dependent claim 35 calls for the outer shell to be more extensive than the inner protective shell so as to cover the whole inner shell, and new dependent claim 36 calls for the outer protective shell to be configured to be fitted over the whole inner protective shell. Support for these new claims is found in the specification which recites:

"The outer shell . . . has a large enough interior to accommodate the inner shell." (specification, page 3, lines 24-27) And, *"Fig. 1A shows the outer helmet; Fig. 1B shows the inner helmet."* (specification, page 2, line 33, and continuing onto page 4, line 1), and the outer helmet is fitted entirely over the inner helmet as shown in Fig. 3.

Accordingly, new dependent claims 35 and 36 do not add new matter to the application and it is respectfully requested that these claims be allowed.

Indication of Allowable Subject Matter - New Claims

Claims 20 and 26-31 were objected as being dependent on a rejected base claim, but would be allowable if re-written in independent form to include all the limitations of the base claim and any intervening claims. Applicant has done this, as outlined below.

New independent claim 37 has been added. New independent claim 37 includes the subject matter of independent claim 16 and dependent 20, the combination of which was

indicated to be allowable subject matter in the Office Action dated May 29, 2008. Accordingly, Applicants respectfully request that new independent claim 37 be allowed.

New independent claim and new claims 38-43 that depend therefrom have been added. New independent claim 38 includes the subject matter of independent claim 17 and dependent claims 23 and 26, the combination of which was indicated to be allowable subject matter in the Office Action dated May 29, 2008. Accordingly, Applicants respectfully request that new independent claim 38 and new dependent claims 39-43 be allowed.

New claims 37-43 do not add any new matter to the application.

Applicants believe that each point raised in the Office Action has been fully addressed. Applicants respectfully request all the pending claims in this application be allowed and for other favorable action.

The Examiner is invited to contact Applicant's attorney with any questions or concerns.

Respectfully submitted,



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